

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2059 - SB 1831

March 30, 2011

SUMMARY OF BILL: Requires the Tennessee Bureau of Investigation (TBI) to perform a familial DNA search upon presentation of a written request submitted to the attorney general (AG) by the district attorney general of the district where the crime is under investigation stating reasons why a familial DNA search is appropriate. Requires the AG to review the case file and determine that the DNA profile taken from the crime scene is a single source DNA profile; the perpetrator remains unknown after all other investigative leads have been exhausted; and the crime under investigation is either first or second degree murder, aggravated rape, rape of a child, or aggravated rape of a child. Requires a determination by the AG that the necessity of protecting the public outweighs the invasion of privacy to those whose DNA is being searched. Requires TBI, in conjunction with the AG, to adopt uniform procedures for conducting familial DNA searches.

Places the responsibility on the AG or TBI, depending on who made the request, to continue the investigation with any resulting information. Defines “familial DNA search” as a search of a centralized system to cross-reference data obtained from DNA analysis from a DNA profile taken from a crime scene for the purpose of determining if there is a biological relative of an individual for whom there is a DNA profile in the centralized system.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$1,100/One-Time

Assumptions:

- TBI will adopt familial DNA processes and procedures substantially similar to those implemented in Colorado.
- According to the Colorado Bureau of Investigation (CBI), familial DNA searches are rarely necessary and are rarely conducted.
- According to CBI, no additional positions or equipment were necessary to perform the searches other than one computer to store data taken from CODIS.
- The Combined DNA Index System (CODIS) allows laboratories across the nation to compare DNA evidence. Currently, TBI has access to CODIS.
- TBI will require one computer to specifically store any data obtained through CODIS, resulting in a one-time increase in state expenditures of \$1,100.
- According to the AG, any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact style than the last name "White".

James W. White, Executive Director

/jdb